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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,922	12/13/2001	Marko Eromaki	442-010738-US(PAR)	2222
2512	7590	08/16/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			CHIANG, JACK	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/021,922

Applicant(s)

EROMAKI, MARKO

Examiner

Jack Chiang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DRAWINGS**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "... a wrist wearable form" called for in claim 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. (See also the argument section).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

## **CLAIMS**

### **112 Second Paragraph Rejection**

2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 5 and 10-12, it defines "a connecting element", "a first connecting element" and "a second connecting element", are they defining the same feature?

In claim 8, "the connecting element" can be read on the three connecting elements defined in claim 1, it is indefinite because it is unclear which element it is referring to?

Claims 9, 10, 12-14 have a similar problem as claim 8.

### **Art Rejection**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hawkins et al. (US 5200913).

Regarding claim 1, Hawkins shows:

A device (fig. 2) carrying a first part (20) having a first user interface (21) and a second part (10) having a second user interface (11);

A closed configuration and an open configuration (see figs. 2, 3, 6);

A connecting element (40) having a first axis of rotation (43) and a second axis of rotation (44);

The first part (20) and the second part (10) rotate about the first axis of rotation (43) and move about the second axis of rotation (44);

The connecting element having a first connecting element (40 on the left side) being on a first side (left side) of the first part and second part (20, 10), and a second connecting element (40 on the right side) being on a second side (right side) of the first part and second part (20, 10).

5. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Goyal et al. (US 6751473).

Regarding claim 1, Goyal shows:

A device carrying a first part (3) having a first user interface (7) and a second part (4) having a second user interface (10);

A closed configuration and an open configuration (i.e. figs. 8, 7);

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A connecting element (17, 30-32) having a first axis of rotation (top 17) and a second axis of rotation (bottom 17);

The first part (3) and the second part (4) rotate about the first axis of rotation and move about the second axis of rotation;

The connecting element having a first connecting element (17 on the left side) being on a first side (21-22 in fig. 7, or 58 in fig. 19 on left side) of the first part and second part (3, 4), and a second connecting element (17 on the right side) being on a second side (21-22 on the right side) of the first part and second part (3, 4).

Regarding claims 2-16, Goyal shows:

The first part (3) is able to move both translationally and rotationally with respect to the second part (4) (see figs. 7-8);

One rotational axis is able to move about the other rotational axis (17, 17);

The first interface is a display (7);

The second interface is a keypad (10);

The interfaces (7, 10) are able to move to a optimum configuration (i.e. fig. 7) in which they both are visible at the same time;

At least one pair of connecting elements (30-32, figs. 5-6);

First straight portion connected to a second straight portion at an elbow region (see 33 in fig. 6);

Connecting points (23, 80 in figs 5-6);

The connecting elements (30-32) are on a common side of the parts (3, 4);

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The different amount of separation for the connecting points (i.e. see the four locations of 80 in fig. 6);

A first pair of connecting elements (30-32, 33 connected to left 17);

A second pair of connecting elements (30-32, 33 connected to right 17);

The distances between the connecting points are different (see 80);

Difference in length of the connecting parts (30-32, or 63-69);

The closed and open configuration and the substantially parallel movement (from figs. 8-9 to figs. 5 and 7); and

A phone (1).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goyal et al. in view of Fernandez-Martinez (US 6408072).

Regarding claim 17, Goyal shows a portable device (1).

Goyal differs from the claimed invention in that it does not show the device in a wrist wearable form.

However, it is common to see that electronic device is worn on a user's wrist, this is shown by Fernandez-Martinez (fig. 1).

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Hence, it would have been obvious for one of ordinary skill in the art to modify Goyal with a wrist mounting electronic device as taught by Fernandez-Martinez, because it is understood that Goyal's portable device is meant to be carried by the user, and the modification is an option taught by Fernandez-Martinez to provide a simple and comfortable use of the device, and yet to maintain the portability of the device (col. 2, lines 23-25 in Fernandez-Martinez).

### **ARGUMENT**

8. In response to the remarks (pages 6-10) filed on 6/6/05, in page 6 of the remarks, about the objection of the drawing and claim 17, applicant stated that "... support for this disclosure is contained on page 8, lines 6-7".

The examiner will duplicate applicant's original page 8, lines 6-7 as follow: "individual numbers from the display 12.". It is not seen that there is any support for the wrist wearable form of the device, not to mention the specific newly added feature in the newly added fig. 7. Therefore, proposed specification and drawing filed on 6/6/06 will not be entered.

In pages 6-10, applicant mainly argues that Goyal does not show "a first connecting element being on a first side of the first part and second part and a second connecting element being on a second side of the first part and second part."

The examiner disagrees. Goyal clear shows "a first connecting element (17 on the left side) being on a first side (21-22 in fig. 7, or 58 in fig. 19 on left side) of the first part and second part (3, 4), and a second connecting element (17 on the right side)



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being on a second side (21-22 on the right side) of the first part and second part (3, 4)".

This can also be seen that Goyal has a telescopic elements (31) on both the left and right sides of the device, in order to store these telescopic elements, there has to be tracks 21-22 to accommodate these telescopic elements (31), and it is clearly shown in Goyal's figs. 7 and 19.

In page 8, applicant had discussed Goyal's telescopic arrangement ... wear and tear etc.... It is not seen that Goyal is describing his device in the same way as applicant did, and it is not seen that it avoids the anticipation of the claims.

In page 9, about the combination of Goyal and Fernandez-Marinez, there is no specific argument about the combination, see rejection above.

9. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's submission of the requirements for the joint research agreement prior art exclusion under 35 U.S.C. 103(c) on 6/6/05 prompted the new ground(s) of rejection under 37 CFR 1.109(b) presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.02(l)(3). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 571-272-7483. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jack Chiang  
Primary Examiner  
Art Unit 2642

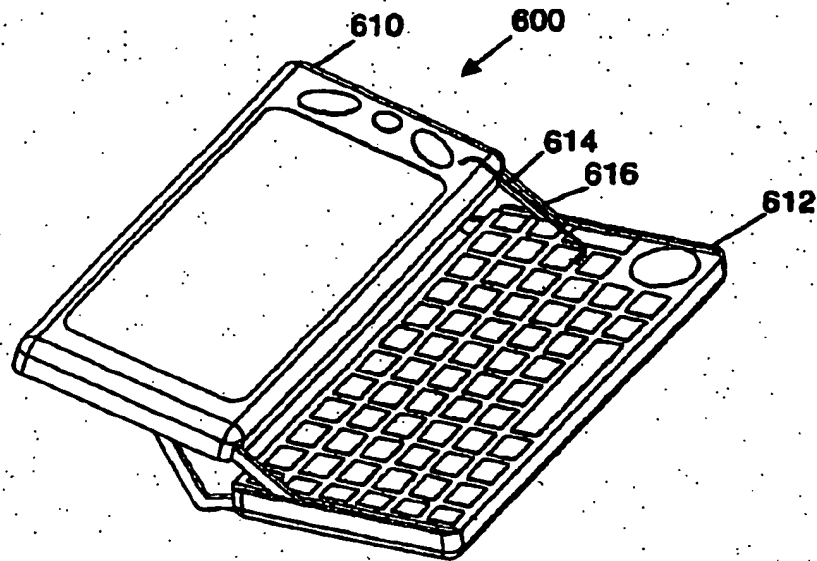


Fig. 6

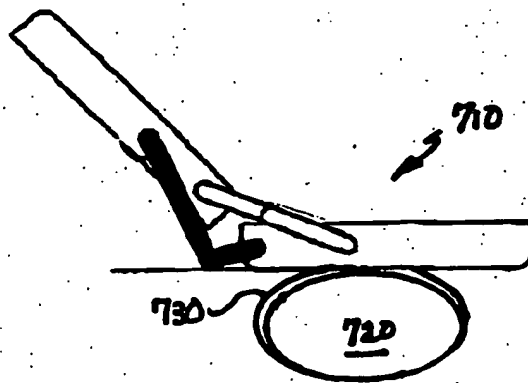


Fig. 7

Not  
Approved

8/11/05 &